

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

DEMARIO DONTEZ WALKER,

PLAINTIFF

V.

CIVIL ACTION NO. 1:19-CV-246-LG-RPM

JOHNATHAN HUNT, ET AL.

DEFENDANTS

**ORDER GRANTING IN PART AND DENYING IN PART MOTION TO AMEND THE
CASE CAPTION**

Before the Court are multiple motions by *pro se* plaintiff Demario Dontez Walker a/k/a Kiriya Zyreonia San Givonni¹ (“Walker”) to amend the case caption in the present case. *See* Doc. [157, 163, 208]. Walker asks the Court to amend the case caption to reflect that his name is now “Kiriya Zyreonia San Givonni.” *Ibid.* While the Court has already added “Kiriya Zyreonia San Givonni” as an alias, *see* Doc. [143], the Court liberally construes the present motions, *Erickson v. Pardus*, 551 U.S. 89, 94, 127 S.Ct. 2197, 167 L.Ed.2d 1081 (2007), as a request to drop the name “Demario Dontez Walker” from the case caption altogether, Doc. [157, 163, 208].

The Court begins with the relevant procedural history. On April 19, 2019, Walker filed this action under the name “Demario Dontez Walker,” the same name with which he has filed numerous other lawsuits in the Southern District of Mississippi. Doc. [1]. On November 19, 2020, Walker filed his first motion to amend his name in the case caption from “Demario Dontez Walker” to “Kiriya Zyreonia San Givonni.” *See* Doc. [140]. Since Walker only provided the first page

¹ In passing, the Court notes that Walker, in relevant part, purposefully spells his new legal last name as “Givonni” rather than “Giovanni.” *See* Doc. [163], Ex. 1.

of a Lafayette County Chancery Court order, dated December 16, 2019,² this Court concluded that he would be allowed to proceed as “Demario Dontez Walker a/k/a Kiriya Zyreonia San Givonni.” Doc. [143]. Since that time, however, Walker has provided the Court with the entire chancery court order. Doc. [163], Ex. 1.

The Court turns to the appropriate Federal Rule of Civil Procedure, Rule 15. *See, e.g., Hinds v. Orix Cap. Markets, L.L.C.*, No. CIV.A.3:02–CV–0239–P, 2003 WL 21350210, at *4 (N.D. Tex. June 10, 2003). Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, “a party may amend its pleading only with the opposing party’s written consent or the court’s leave.” Fed. R. Civ. P. 15(a)(2). “The court should freely give leave when justice so requires.” *Ibid.* Nevertheless, “[l]eave to amend is not automatic.” *N. Cypress Med. Ctr. Operating Co., Ltd. v. Aetna Life Ins. Co.*, 898 F.3d 461, 477 (5th Cir. 2018). As such, leave to amend “may be denied for ‘undue delay, bad faith or dilatory motive on the part of the movant, repeated failures to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party . . . , and futility of the amendment.’” *Id.* (quoting *Marucci Sports, L.L.C. v. Nat’l Collegiate Athletic Ass’n*, 751 F.3d 368, 378 (5th Cir. 2014)). For the reasons that follow, the Court grants Walker’s motions in part and denies them in part.

The Court begins with two significant reasons that weigh against granting the motions. First, the Court is acutely aware that Walker has used the name “Demario Dontez Walker” in the numerous other, largely frivolous,³ lawsuits that he has filed over the past 15 years. *See, e.g.,*

² The state court order is dated December 16, 2019, but the *nunc pro tunc* date of name change was October 14, 2019. *See* Doc. [163], Ex. 1.

³ *See Walker v. Banks, et al.*, No. 3:17–CV–995–CWR–FKB (S.D. Miss. Dec. 11, 2017), Final Judgment and issued second sanction warning at CM/ECF Doc. [10]; *Walker v. Holloway, et al.*, No. 1:17–CV–283–LG–RHW (S.D. Miss. Oct. 10, 2017), Final Judgment and issued second sanction warning at CM/ECF Doc. [10]; *Walker v. Lewis, et al.*, No. 3:12–CV–650–CWR–LRA (S.D. Miss. Sept. 18, 2012), Judgment of Dismissal (restricted) at CM/ECF Doc. [6]; *Walker v. Lewis, et al.*, No. 3:12–CV–441–CWR–LRA (S.D. Miss. June 29, 2012), Order denying IFP status and setting payment schedule at CM/ECF Doc. [5]; *Walker v. Lewis, et al.*, No. 3:12–CV–364–HTW–LRA (S.D. Miss. May 29, 2012), Order splitting case at CM/ECF Doc. [4]; *Walker v. Cox, et al.*, No. 4:10–CV–201–HTW–LRA (S.D.

Walker v. Holloway, No. 1:17-CV-244-LG-RHW, 2018 WL 7283267, at *2 (S.D. Miss. Nov. 7, 2018), *report and recommendation adopted sub nom. Walker v. Holloway*, No. 1:17-CV-244-LG-RHW, 2019 WL 507490 (S.D. Miss. Feb. 8, 2019). As such, the Court has serious concerns whether Walker is merely attempting to change his name in order to escape his history of filing largely meritless lawsuits. *See, e.g., Walker v. Turner*, No. 4:18-CV-48-GHD-DAS, 2019 WL 1460888 (N.D. Miss. Apr. 2, 2019), *appeal dismissed*, No. 19-60281, 2019 WL 5454748 (5th Cir. June 12, 2019). Furthermore, notwithstanding receiving a chancery court order dated December 16, 2019, Walker continued to use the name “Demario Dontez Walker” for months thereafter, such as when signing legal documents, before moving the Court to amend the case caption. *See, e.g.,* Doc. [103, 140]. On the other hand, the Court must, and does, give full faith and credit to the Mississippi state court order which legally changed Walker’s name to “Kiriya Zyreonia San Givonni.” *See* 28 U.S.C. § 1738. Furthermore, the defendants will not suffer significant harm if the motion is granted in the present case. In balancing these competing concerns, the Court

Miss. Dec. 1, 2010), Order denying IFP status and dismissing case at CM/ECF Doc. [3]; *Walker v. Delaine, et al.*, No. 4:09-CV-127-TSL-LRA (S.D. Miss. Sept. 25, 2009), Order denying IFP status and dismissing case at CM/ECF Doc. [9]; *Walker v. McCleod, et al.*, No. 3:09-CV-699-HTW-LRA (S.D. Miss. Nov. 20, 2009), Order denying IFP status and dismissing case at CM/ECF Doc. [3]; *Walker v. Epps, et al.*, No. 2:09-CV-128-KS-MTP (S.D. Miss. July 14, 2009), voluntary dismissal at CM/ECF Doc. [18]; *Walker v. Caskey, et al.*, No. 4:09-CV-120-HTW-LRA (S.D. Miss. Sept. 14, 2009), stipulation of dismissal at CM/ECF Doc. [3]; *Walker v. Cole, et al.*, No. 2:08-CV-217-KS-MTP (S.D. Miss. Sept. 30, 2008), Order denying IFP status and dismissing case at CM/ECF Doc. [10]; *Walker v. Walker, et al.*, No. 5:09-CV-13-DCB-MTP (S.D. Miss. Feb. 9, 2009), Order denying IFP status and dismissing case at CM/ECF Doc. [5]; *Walker v. Clark, et al.*, No. 3:08-CV-647-WHB-LRA (S.D. Miss. Oct. 21, 30, 2008), Order denying IFP status and dismissing case at CM/ECF Doc. [8]; *Walker v. McCullum, et al.*, No. 3:08-CV-452-DPJ-JCS (S.D. Miss. July 22, 2008), Order denying IFP status and dismissing case at CM/ECF Doc. [12]; *Walker v. Magee, et al.*, No. 2:08-CV-235-KS-MTP (S.D. Miss. Oct. 28, 2008), Order denying IFP status and dismissing case at CM/ECF Doc. [15]; *Walker v. King, et al.*, No. 3:08-CV-459-TSL-JCS (S.D. Miss. July 25, 2008), Order denying IFP status and dismissing case at CM/ECF Doc. [9]; *Walker v. Woodard, et al.*, No. 2:08-CV-233-KS-MTP (S.D. Miss. Oct. 27, 2008), Order denying IFP status and dismissing case at CM/ECF Doc. [15]; *Walker v. Cole, et al.*, No. 2:08-CV-217-KS-MTP (S.D. Miss. Sept. 30, 2008), Order denying IFP status and dismissing case at CM/ECF Doc. [10]; *Walker, et al. v. Epps, et al.*, No. 2:08-CV-194-KS-MTP (S.D. Miss. Sept. 3, 2008), Order denying IFP status and dismissing case at CM/ECF Doc. [21]; *Walker v. Landcasta, et al.*, No. 2:08-CV-161-KS-MTP (S.D. Miss. Aug. 5, 2008), Order denying IFP status and dismissing case at CM/ECF Doc. [16]; *Walker v. United States of America, et al.*, No. 3:08-CV-1314-JAH-LSP (S.D. Cal. Dec. 3, 2008) (dismissed for failure to state a claim); *Walker v. San Diego County Clerks, et al.*, No. 3:08-CV-1504-JLS-NLS (S.D. Cal. Nov. 25, 2008) (dismissed as frivolous); *Walker v. Jackson, et al.*, No. 5:08-CV-221-DCB-MTP (S.D. Miss. July 14, 2008) (dismissed as malicious).

concludes that the case caption will be further amended to state “Demario Dontez Walker *now known as* Kiriyaama Zyreonia San Givonni.”

IT IS THEREFORE ORDERED that plaintiff Demario Dontez Walker’s motions [157, 163, 208] to amend the case caption are **GRANTED IN PART**, to the extent that the Clerk of the Court shall amend the docket to reflect that Walker’s name is “Demario Dontez Walker n/k/a Kiriyaama Zyreonia San Givonni” and **DENIED IN PART** as to all other relief sought.

SO ORDERED, this the 5th day of May 2021.

/s/ *Robert P. Myers, Jr.*

ROBERT P. MYERS, JR.

UNITED STATES MAGISTRATE JUDGE